

REMARKS/ARGUMENTS

Favorable reconsideration of this application is respectfully requested.

Initially, applicants note an Information Disclosure Statement (IDS) was filed in this present application on June 28, 2005. At that time applicants have not received confirmation of consideration of the references cited in that IDS. Applicants respectfully request that a form PTO-1449 be returned to applicants acknowledging consideration of the references cited in that IDS. For convenience a copy of that IDS and its date-stamped filing receipt is submitted herewith.

Claims 1-3, 7-25, 42-49, 51, and 52 are pending in this application. Claim 50 is canceled by the present response without prejudice and new claims 51 and 52 are added. Claims 10-25 and 42-49 are allowed. Claim 50 was rejected under 35 U.S.C. § 112, first paragraph. Claims 1-3, 7-9, and 50 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. patent 5,943,669 to Numata.

Addressing first the rejection of claim 50 under 35 U.S.C. § 112, first paragraph, that rejection is obviated by the present response as claim 50 is canceled without prejudice by the present response.

Addressing now the rejection of claims 1-3, 7-9, and 50 under 35 U.S.C. § 102(e) as anticipated by Numata, that rejection is traversed by the present response.

Each of independent claim 1 and 7 is amended by the present response to clarify the language therein. Applicants respectfully submit independent claims 1 and 7, and the claims dependent therefrom, significantly differ from the teachings in Numata.

Numata appears to be directed to a device with a significantly different objective, structure, and operation as in the invention of claims 1 and 7. Specifically, in independent claims 1 and 7 a document includes a plurality of items. That is, a single document has a plurality of items therein. The claims clarify, as discussed in the present specification at page

20, line 1 to page 29, line 15, that a group of documents is initially input which contain a plurality of items, and the items are shared by the group of document data. Further, in the claims each document data is converted so that the converted data only contains data corresponding to designated of the items.

Thus, according to the claims only items designated by a user are set as objects to be classified.

Numata does not disclose any similar feature as in the claimed invention. In Numata a document is divided into structure elements designated by a user and all pieces of information, which are results of the division, are set as objects to be classified. Numata does not limit the items to be classified to only those items designated by a user.

The outstanding Office Action further cites the classification unit designation section 2 in Numata to correspond to the claimed “designating means” or “program code means for designating”. However, that classification unit designation section 2 in Numata does not have the same operation.

Numata discloses classification unit designation section 2 can designate the classification of written material in different units such as “documents”, “chapters”, “sections”, “paragraphs”, and the like.¹ Thus, Numata appears to operate such that one retrieved written material can be designated as to what the written material is, for example whether it is a full document, a chapter, a section, a paragraph, or the like.

Claims 1 and 7 are directed to a different type of operation. In those claims each document itself includes plural items. The designation of a complete document as to whether it is a document, chapter, section, or paragraph in Numata is not the same as designating items within a document, as in the noted claims.

¹ Numata at column 5, line 46 et seq.

In maintaining the outstanding rejection, the outstanding Office Action states, “[i]n Numata, at least one item is designated, and since one item is less than all the items, it meets the claims according to the interpretation (2) recited above”.²

In response to that basis for the outstanding rejection, applicants note Numata does not designate an item from plural items within a document itself, but instead appears to designate an entire written material as to its classification. Designating an entire written item cannot be reasonably interpreted to meet the claim limitations in which clearly the plurality of items are part of a document.

In such ways, each of independent claims 1 and 7, and the claims dependent therefrom, are believed to distinguish over Numata.

The present response also sets forth new dependent claims 51 and 52 for examination, which recites features that “the designated portion is less than all of the plurality of items of the document data”. That feature is believed to even further distinguish over the applied art.


As noted above, in Numata an entire written material is designated as to its classification. Designating an entire written item does not correspond to designating a portion which is less than all of the plurality of items of the document data, as now further clarified in dependent claims 51 and 52. Thus, those claims even further distinguish over the applied art.

² Office Action of December 28, 2005, page 4, last sentence.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Gregory J. Maier
Registration No. 25,599
Surinder Sachar
Registration No. 34,423
Attorneys of Record

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)

I:\ATTY\SNS\0557\05574645\05574645-AM2.DOC.